



UNITED STATES PATENT AND TRADEMARK OFFICE

HD

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,688	06/25/2003	Bill Kitchen	23952-0032	1350
29052 7590 05/30/2007 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,688

Applicant(s)

KITCHEN ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-37, 39-44, 47-50, 52-57 and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-37, 39-44, 47-50, 52-57 and 60-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/07, 4/27/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 3/12/2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 34-37, 39-44, 47-50, 52-57 and 60-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (5,699,528) in view of Landry (5,956,700) hereinafter Landry.

With respect to claims 34, 47, 62, 63, Hogan teaches systems and methods for electronically presenting and paying bills (Abstract). Receiving by a service provider a first notification directive from a first consumer at least in part on the received first notification directive, transmitting a notice of availability of first billing information associated with a first bill from a first biller to the first consumer (i.e. the user logs into the EBCS website and enters his password to request to electronically receive his bill information from the EBCS website)(Figure 2A and col. 5, lines 62-, col. 6, lines 1-8); the first bill information is electronically available to the first consumer directly from the first biller (i.e. the billing information comes from the biller and is electronically available to the first consumer electronically)(see figure 1).

With respect to automatically directing payment of the first bill by the service provider on behalf of the consumer without the service provider receiving a request to

pay the bill. Landry teaches the customer sets the time period in which to withdraw the payment from the customer's account every month, therefore, the bills are paid without any notification from the payor (col. 4, lines 18-49). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Landry of directing payment on behalf of the consumer without the service provider receiving a request to pay the bill because such a modification would save the customer time every month.

With respect to claims 35-37, 48-50, 52, 60-61, 69-70, the limitations were previously addressed in the rejections of claims 34 and 47 rejected above and the claims further recite that based upon a second notification directive, a notice of availability of billing information for one biller is received while based upon a second notification directive, a notice of availability of billing information for another biller is not received. Hogan teaches the customer receives notice of billing information only from the billers that the customer selects to which payments will be made electronically, the system capable of receiving multiple billers and multiple customers (col. 5, lines 25-35).

With respect to claims 40-44, 53-57, 64-68 Landry further teaches that the pre-bill instruction includes a directive for the service provider to pay the future bills in an amount equal to a total amount and a period of time for the service provider to pay future bills (i.e. pre-instruction from the payor as to indicate the mount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Landry of bill instruction including a directive for the service provider to pay

the future bills in an amount equal to a total amount and a period of time for the service provider to pay future bills because such a modification would provide peace of mind to the customers knowing that future bills will be paid.

Claims 71-74, are rejected under the same rationale as claims 41-44, 54-57, 65-68, rejected above.

With respect to claim 75, Hogan further teaches determining a biller account number upon a received pre-bill payment authorization excluding a biller account number (i.e. the customer user his userID and password to gain access to the biller's account information)(Figure 2A).

Response to Arguments

4. Applicant's arguments with respect to claims 35-37, 40-44, 47-57, 60-75 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of contact

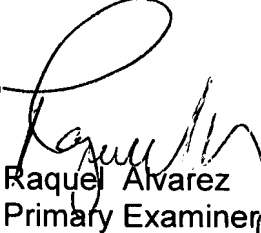
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/602,688
Art Unit: 3622

Page 6



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
5/2/2007